

**MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT**

DATE: June 18, 2008
TIME: 9:00 a.m.
PLACE: Kalanimoku Building
Conference Room 132
1151 Punchbowl Street
Honolulu, Hawaii 96813

Commissioner Lawrence Miike called the meeting of the Commission on Water Resource Management to order at 9:10 a.m.

MEMBERS: Dr. Lawrence Miike, Ms. Donna Kiyosaki, Mr. James Frazier, Mr. Neal Fujiwara

EXCUSED: Ms. Laura H. Thielen, Dr. Chiyome Fukino, Ms. Meredith Ching

STAFF: Deputy Director Ken Kawahara, Ed Sakoda, Roy Hardy, Lenore Ohye, Jeremy Kimura, Denise Mills, Ronnie Torres, Charley Ice

COUNSEL: Linda Chow, Esq.

OTHERS: Jeffery Flores, West Molokai Association; Matthew Fujioka, Akinaka & Associates, Ltd.; Woodie Muirhead, Brown & Caldwell; Dean Nakano, BWS

All written testimonies submitted at the meeting are filed in the Commission office and are available for review by interested parties.

A. APPROVAL OF MINUTES

1. May 21, 2008

MOTION: Frazier/Fujiwara
To approve the minutes.
UNANIMOUSLY APPROVED.

Commissioner Miike pointed out that the minutes referred to an issue (May 21, 2008 Commission Meeting, Item C2: Request for Time Extension for Variable Water Use Permit for System Loss (WUP No. 851), for Waiahole Ditch Irrigation System, Oahu, TMKs: (1) 9-2-001:001 and 9-4-003:001) at how they arrived at the 0.03 and system losses in the Waiahole Ditch. Commissioner Miike stated that it is based on estimates by ADC on total system losses; that there is no real measurement of that amount.

Commission Frazier asked Commissioner Miike if he accepts the correction as a reduction. Commissioner Miike responded, because the unlined ditch was assigned the loss of 0.03, if that is eliminated you take that away as a permanent loss. And that will be the same for the reservoir.

B. ANNOUNCEMENTS

Deputy Director Ken Kawahara stated that there will be a ceremony to welcome the incoming Commissioners and announced that Dr. Miike was reconfirmed starting July 1st, and welcomed Commissioner Kiyosaki who will be attending the ceremony.

Deputy Kawahara introduced Denise Mills, Hydrologist VI, and the newest member of the staff.

Budget: the Department is still looking at what cuts may have to be made and it is not known what the impact will be for the Water Commission.

Adhoc group of water professionals met for their third meeting to clarify comments submitted primarily regarding sustainable yields. Deputy Kawahara stated that a good portion of their comments are being incorporated in the updated draft of the Water Resources Protection Plan (WRPP).

Staff attended the second North Kona Water Protection Working Group (NKWPWG) meeting organized by the Kaloko-Honokohau National Historical Park and continues to discuss the formation of a ground water working group in Kona. This is in response to the impacts from increasing ground water withdrawals in the areas above the Kaloko National Historical Park, and mitigative actions for the anchialine ponds in the park. There is no change in status.

Kona Water Round Table: staff attended the May 14 meeting (organized by the Hawaii DWS and the US Geological Survey). This group is focusing on a much broader range of issues on West Hawaii rather than just the National Park Service. There is no change in status.

Instream Flow Standard Assessment Reports for Hanehoi, Honopou, Piinaau, Waiokamilo, and Wailuanui hydrologic units: June 10 was the deadline for the assessment reports. A few comments were received from members of the public and organizations. Copies of a letter from Aha Kiolo were distributed to the commissioners and made a part of this record.

The Division of Aquatic Resources (DAR) Invertebrate Surveys: last month DAR completed the Watershed Atlas for the island of Maui and is starting to receive additional reports from DAR on the five hydrologic units.

Statewide Stream Diversion Verifications: the consultants completed their diversion verifications study for Maui and will be starting the field work for Kauai.

Statewide Stream Channel Alteration Inventory Project: our Deputy AG is reviewing the contract.

Na Wai Eha Interim Instream Flow Standard (IIFS) Contested Case Hearing-Maui, Iao Ground Water Management Area High-Level Source Water Use Permit Applications and Petition to Amend Interim Instream Flow Standards of Waihee, Waiehu, Iao, and Waikapu Streams: Deputy Kawahara reported that there is no change in status, however Dr. Miike added that when all the transcripts are available they will be given 60 days to send in the proposed findings and conclusions at which point Dr. Miike will write his decision, and bring it to the Commission.

Act 238, \$4M of Funding for Drought Mitigation Projects: Deputy Kawahara update includes seven MOAs were executed, two contracts will be awarded and funding will be encumbered, and one MOA and one contract are still pending. Deputy Kawahara thanked State Drought Coordinator Neal Fujii for his hard work, and appreciated both Mr. Fujii and Linda Chow for their efforts. Copies of report titled Status of Drought Mitigation projects funded under Act 238, SLH 2007, were distributed and made a part of this record.

The Commission designated Na Wai Eha for surface water management in March 2008. The Public Notice date is April 30, 2008, and also the effective date of designation. Deputy Kawahara reviewed that the existing users of surface water have one year to apply for water use permits from the Commission. Failure to file an existing use within the one year deadline creates a presumption of the abandonment of the use, and the user must apply for a water use permit as a new use.

Commissioner Kiyosaki mentioned that there was a concern about some of the existing users not knowing that they had to file and asked if anything is worked on to assist the smaller users. Deputy Kawahara said they are exploring having the consultant put together a handbook on measuring and also hold community type meetings to educate and show users how to complete the application. Lenore Ohye added that the law provides that the Commission must send two notices to all registered and declared users, one by means of certified mail.

East Molokai: the Commission was looking at partnering with the Army Corp of Engineers (ACOE), Maui DWS, DHHL and OHA, to discuss a cost-sharing agreement for ground water study on East Molokai. Non-federal partners have sought the assistance of ACOE to conduct this study; ACOE citing the provisions of the Economy Act. They were not able to reach an agreement on a consultant. Due to the time constraints of the fiscal year coming to an end, it was decided to initiate discussions on another priority project, updating the Rainfall Atlas of Hawaii which is on the agenda as Item C1. Deputy Kawahara shared that this Molokai Water Study may still go forward with the remaining partners and USGS since USGS was able to secure funding.

Item D1 on the agenda, Woodie Muirhead, project manager for the Stormwater Reclamation and Reuse Study for Hawaii, took representatives from the Water Commission, State Department of Agriculture, and the University of Hawaii, to view some of the stormwater reclamation opportunities. Deputy Kawahara requested that Item D1 be taken out of order and allowed to present first since Mr. Muirhead was needed at a teleconference with the Bureau of Reclamation who was not able to travel to Hawaii.

Staff participated in several teleconferences with representatives from the U.S. Bureau of Reclamation, the State Department of Agriculture, the Honolulu Board of Water Supply, and Senator Inouye's office to discuss federal projects and funding opportunities. Staff will meet and continue discussions with the Congressional Delegation Honolulu staff.

Staff also attended a coordination meeting with the Honolulu Board of Water Supply and its consultants for updating the Regional Water Use and Development Plan for Koolauloko.

Outreach Efforts:

Week of 6/9: AWWA National Conference – Deputy Director attended

6/14 DLNR sponsored the 2nd Saturday at the Hawaii State Art
Museum – Lenore Ohye participated
Week of 6/23: staff will be assisting the National Drought Mitigation Center with
workshops on Maui and the Big Island – Neal Fujii assisting
7/10 Molokai (Maui County WUPDP) – staff assisting Maui County
7/25 Lanai Water Advisory Council – staff assisting
8/20 Lanai Planning Commission - staff presentation
10/29-31 Hawaii Water Works Association Conference - staff attending and
presentation in Maui

D. NON-ACTION ITEMS

1. Briefing on the Stormwater Reclamation and Reuse Study for Hawaii Presentation by: Woodie Muirhead

Lenore Ohye introduced Woodie Muirhead, Vice-President and project manager for Brown and Caldwell. Ms. Ohye explained that the Commission and the Bureau of Reclamation are partnering in a study to explore and hopefully further stormwater reclamation and reuse opportunities in our state. This is an appraisal-level study that is being fully funded by the Bureau of Reclamation to benefit the State of Hawaii. Ms. Ohye added that the Commission is not a party to the contract, but is Reclamation's client and our role is to primarily provide technical input and local facilitation.

Ms. Ohye acknowledged Dean Nakano (here today for this briefing) who was instrumental in helping scope out the study.

Woodie Muirhead explained that an appraisal is taking existing information to conduct a study rather than developing new information. Mr. Muirhead said he has benefited from the input of Commission staff in this process.

Copies of the power point were distributed and made a part of this record.

C. SURVEY

1. Partnership and cost-sharing agreement with ACOE on Hawaii Rainfall Atlas Update Presentation by: Neal Fujii

RECOMMENDATION:

Staff recommends that the Commission authorize the Chairperson to enter into a planning assistance to states agreement with the USACE to provide cost-share funding not to exceed \$200,000 to update the *Rainfall Atlas of Hawaii*. The terms of this agreement will be subject to the approval of the Chairperson and the Department's Deputy Attorney General.

MOTION: Frazier/Fujiwara
To approve submittal.
UNANIMOUSLY APPROVED.

D. NON-ACTION ITEMS

2. Briefing on the Molokai Water Working Group Final Report
Presentation by: Charley Ice

Copies of the revised May 2008 report were distributed and made a part of this record.

Charley Ice reported that the Molokai Water Working Group was reconvened for the third time in early 2007. The Maui Department of Water Supply and the Maui Council had made a commitment in late 2006 to move ahead with its Water Use Development Plan. The report added three more recommendations. Staff finds the Recommendations a useful update and can be used to focus research initiatives for water management and public information workshops on Molokai.

DISCUSSION:

Roy Hardy added that in the past the working group reports were used with water use permit applications that come before the Commission for guidance as far as recommendations. Mr. Hardy reported that there hasn't been a meeting on Molokai recently; however, that may change with the significant changes that have been going on with Molokai Ranch recently. Items A though T is what the group revisited and R, S and T, are new. Revisiting every five years is in line with the framework for the Water Use and Development Plan Update.

E. NEXT COMMISSION MEETINGS (TENTATIVE)

1. July 16, 2008
2. August 20, 2008

The meeting was adjourned at 10:20 a.m.

Respectfully submitted,

KATHLEEN OSHIRO
Secretary

APPROVED AS SUBMITTED:

KEN C. KAWAHARA
Deputy Director